

ter. For complete classification of this Act to the Code, see section 367 of this title and Tables.

The Internal Revenue Code, referred to in text, probably means the Internal Revenue Code of 1939, which was classified to former Title 26, Internal Revenue Code, and was generally repealed by section 7851 of the Internal Revenue Code of 1986, Title 26.

CODIFICATION

Section was not enacted as a part of the Railroad Unemployment Insurance Act which comprises this chapter.

§ 367. Short title

This chapter may be cited as the “Railroad Unemployment Insurance Act”.

(June 25, 1938, ch. 680, § 17, 52 Stat. 1113.)

CODIFICATION

Another section 17 of Act June 25, 1938, is classified to section 368 of this title.

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-647, title VII, § 7001, Nov. 10, 1988, 102 Stat. 3757, provided that: “This title [enacting section 369 of this title, amending sections 231, 231a, 231e, 351 to 355, 358, 360, 361, and 362 of this title and sections 3321, 3322, 6157, 6201, 6317, 6513, and 6601 of Title 26, Internal Revenue Code, omitting section 3323 of Title 26, enacting provisions set out as notes under sections 231, 231a, 351 to 353, 355, and 358 of this title and section 3321 of Title 26, and amending provisions set out as notes under section 231n of this title] may be cited as the ‘Railroad Unemployment Insurance and Retirement Improvement Act of 1988’.”

§ 368. Supplemental benefits

(a) Entitlement

An employee as defined in section 351(d) of this title shall be entitled to supplemental unemployment benefits in accordance with the provisions of this section for each day of unemployment in excess of four during any registration period in such employee’s period of eligibility if such employee—

(1) has less than ten years of service as defined in section 231(f) of this title, did not voluntarily retire, and did not voluntarily leave work without good cause;

(2) has with respect to the benefit year beginning July 1, 1982, or the benefit year beginning July 1, 1983, exhausted all rights to unemployment benefits under this chapter other than supplemental unemployment benefits payable by reason of this section;

(3) has no rights to unemployment benefits under any State unemployment compensation law or any other Federal law; and

(4) is not receiving unemployment compensation with respect to such day under the unemployment compensation law of Canada.

(b) Exhaustion of rights to unemployment benefits

For purposes of this section, an employee shall be deemed to have exhausted his rights to unemployment benefits under this chapter when no unemployment benefits (other than supplemental unemployment benefits payable by reason of this section) can be paid to the employee because he has received the maximum unemployment benefits available to him under this chapter, other than this section.

(c) Amount of benefits

The amount of supplemental unemployment benefits payable to an employee under this section for any day of unemployment shall be equal to the amount that would be payable to him for such day under section 352(a) of this title if he were entitled to receive benefits under such section.

(d) Maximum days

The maximum number of days of unemployment for which supplemental unemployment benefits may be paid to an employee by reason of this section shall be fifty.

(e) Period of coverage

No supplemental unemployment benefits shall be payable by reason of this section for any day before March 10, 1983, or for any day in any registration period beginning after June 30, 1984.

(f) “Period of eligibility” defined

(1) For purposes of this section the term “period of eligibility” means, with respect to any employee for the benefit year beginning July 1, 1982, the period beginning with the later of—

(A) the first day of unemployment following the day on which he exhausted his rights to unemployment benefits (as determined under subsection (b) of this section) in such benefit year; or

(B) March 10, 1983,

and consisting of five consecutive registration periods (without regard to benefit year); except that for purposes of this paragraph, any registration period beginning after June 30, 1983, and before November 30, 1983, shall not be taken into account for purposes of payment of benefits, or in determining the consecutiveness of registration periods.

(2) For purposes of this section the term “period of eligibility” means, with respect to any employee for the benefit year beginning July 1, 1983, the period beginning with the later of—

(A) the first day of unemployment following the day on which he exhausted his rights to unemployment benefits (as determined under subsection (b) of this section) in such benefit year; or

(B) November 30, 1983,

and consisting of five consecutive registration periods; except that no such period of eligibility shall include any registration period beginning after June 30, 1984.

(g) Terms and conditions

The terms and conditions of this chapter that apply to claims for unemployment benefits and the payment or recovery thereof shall apply to claims for supplemental unemployment benefits and payment thereof, except where inconsistent with the provisions of this section.

(h) Authorization of appropriations

(1) There are authorized to be appropriated from the general fund in the Treasury to the railroad unemployment insurance account in the Unemployment Trust Fund, without fiscal year limitation, such sums as may be necessary to pay supplemental unemployment benefits payable by reason of this section. Such amounts shall not be required to be repaid.

(2) There are authorized to be appropriated from the general fund in the Treasury to the railroad unemployment insurance administration account in the Unemployment Trust Fund, without fiscal year limitation, such sums as may be necessary to meet the costs of administering the program of supplemental unemployment benefits established by this section. Such amounts shall not be required to be repaid.

(June 25, 1938, ch. 680, §17, as added Mar. 24, 1983, Pub. L. 98-8, title I, §102(a), 97 Stat. 32; amended Nov. 30, 1983, Pub. L. 98-181, title II, §2005(a), 97 Stat. 1298.)

CODIFICATION

Another section 17 of act June 25, 1938, is classified to section 367 of this title.

AMENDMENTS

1983—Subsec. (a)(2). Pub. L. 98-181, §2005(a)(1), inserted “or the benefit year beginning July 1, 1983,” after “the benefit year beginning July 1, 1982,”.

Subsec. (e). Pub. L. 98-181, §2005(a)(2), substituted “June 30, 1984” for “June 30, 1983”.

Subsec. (f). Pub. L. 98-181, §2005(a)(3), amended subsec. (f) generally, providing separate paragraphs for the benefit year beginning July 1, 1982, and benefit year beginning July 1, 1983, for former provision which read: “For purposes of this section the term ‘period of eligibility’ means with respect to any employee, the period beginning with the first day of unemployment following the later of (i) the day on which he exhausted his rights to unemployment benefits (as determined under subsection (b) of this section) in the benefit year beginning July 1, 1982, or (ii) January 31, 1983, and shall consist of five consecutive registration periods, except that no supplemental benefits under this section shall be payable for any day of unemployment in any registration period beginning after June 30, 1983.”

EFFECTIVE DATE OF 1983 AMENDMENT

Section 2005(b) of Pub. L. 98-181 provided that: “The amendments made by this section [amending this section] shall apply with respect to days of unemployment during any registration period beginning on or after the date of the enactment of this Act [Nov. 30, 1983].”

§ 369. Annual report

On or before July 1 of 1989, and of each calendar year thereafter, the Railroad Retirement Board shall submit to the Congress a report on the financial status of the railroad unemployment insurance system under various economic and employment assumptions. Such report shall include any recommendation for financing changes which might be advisable, including any adjustment the Railroad Retirement Board recommends regarding the rates of employer contributions.

(Pub. L. 100-647, title VII, §7105, Nov. 10, 1988, 102 Stat. 3772.)

CODIFICATION

Section was enacted as part of the Railroad Unemployment Insurance and Retirement Improvement Act of 1988 and also as part of the Technical and Miscellaneous Revenue Act of 1988, and not as part of the Railroad Unemployment Insurance Act which comprises this chapter.

CHAPTER 12—TEMPORARY RAILROAD UNEMPLOYMENT INSURANCE PROGRAM

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| Sec.
401. | Payment of compensation; eligibility; duration; maximum aggregate amount payable; duplication of benefits; application of railroad unemployment insurance provisions. |
| 402. | Exchange of information between Secretary of Labor and Railroad Retirement Board. |
| 403. | Appropriation to railroad unemployment insurance account; transfer and repayment of funds; interest. |
| 404. | Temporary increase in employers' contribution rate. |

§ 401. Payment of compensation; eligibility; duration; maximum aggregate amount payable; duplication of benefits; application of railroad unemployment insurance provisions

An employee as defined in the Railroad Unemployment Insurance Act [45 U.S.C. 351 et seq.] who has, after June 30, 1960, and before April 1, 1962, exhausted (within the meaning prescribed by the Railroad Retirement Board by regulation) his right to unemployment benefits under the Railroad Unemployment Insurance Act, shall be paid unemployment benefits in accordance otherwise with the provisions of such Act for days of unemployment, not exceeding sixty-five, and not exceeding in the aggregate, an amount equal to 50 per centum of the total amount of unemployment benefits which were payable to him in the benefit year in which he last exhausted his rights before making his first claim under this chapter, which occur in registration periods, as defined in the Railroad Unemployment Insurance Act, beginning on or after the fifteenth day after the date of enactment of the Temporary Extended Unemployment Compensation Act of 1961 [March 24, 1961], and before April 1, 1962, and which would not be days with respect to which he would be held entitled otherwise to receive unemployment benefits under the Railroad Unemployment Insurance Act: *Provided*, That an employee entitled under this section to benefits for a day before April 1, 1962, may receive such benefits for days in registration periods which begin before July 1, 1962: *Provided further*, That payment of benefits otherwise provided for in this chapter shall not be made with respect to any individual for any day of unemployment to the extent that such payment, when added to the sum of the benefits under the Railroad Unemployment Insurance Act and under this chapter paid such individual with respect to prior days in the benefit year, would exceed one hundred and ninety-five times such individual's daily benefit rate for such benefit year. An employee who has filed, and established, a first claim for benefits under the provisions of the Temporary Extended Unemployment Compensation Act of 1961, may not thereafter establish a claim under this section, and an employee who has registered for, and established, a claim under this section may not thereafter establish a claim under the provisions of the Temporary Extended Unemployment Compensation Act of 1961. Except to the extent inconsistent with this section, the provisions of the Railroad Unemployment Insurance Act shall be applicable in the administration of this section.